

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

DIRECTV, INC.,)	
)	
Plaintiff,)	
)	
v.)	3:05-cv-742
)	
CHRISTOPHER BITTERS,)	
)	
Defendant.)	

ORDER

On March 29, 2006, Magistrate Judge Christopher Nuechterlein entered a Report and Recommendation (Docket No. 141) recommending that the Motion for Clerk's Entry of Default as to Christopher Bitters (Docket No. 140) filed by Plaintiff, DIRECTV, be denied. Magistrate Judge Nuechterlein stated, "before a default judgment under Rule 37(b)(2)(C) may be entered, there are certain steps that a plaintiff needs to take to develop the record." Report and Recommendation at 1. Magistrate Judge Nuechterlein then set forth the necessary steps. The parties were given until April 12, 2006 to file objections to the Report and Recommendation and were notified that failure to file objections within the specified time would constitute a waiver of their right to appeal the district court's order. No objections have been filed in this matter. Upon review, this Court ADOPTS the Report and Recommendation (Docket No. 141). Plaintiff's Motion for Entry of Default against Bitters (Docket No. 140) is **DENIED**. If DIRECTV wishes, and after the appropriate record has been made, it may refile its motion in accordance with Rule 37(b)(2)(C).

SO ORDERED.

DATED: July 28, 2006

S/ ALLEN SHARP
ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT